

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.604 OF 2004

AND

Cross Objections (SR) No.8742 OF 2015

COMMON JUDGMENT:

MACMA is filed by the insurance company and Cross Objections are filed by the claimant against the order and decree, dated 17.09.2003 passed in O.P.No.1442 of 2002 by the Motor Accidents Claims Tribunal-cum-Additional District Judge, Nizamabad (for short 'the Tribunal).

2. Since the appeal and cross objections arise out of the same O.P, they are heard together and disposed of by way of this common judgment.

3. For the sake of convenience, the parties herein are referred to as arrayed before the tribunal.

4. The brief facts are that on 23.09.2002 at about 06.00 AM, the petitioner was going by walk on the side of the road, when he reached near Punjab Andhra Transport on N.H.16, Nizamabad shivar, jeep bearing No.AP 25 T 5843 came with high speed in a rash and negligent manner, dashed against the petitioner and another person, who was also going by walk, and front wheel of the jeep ran over the petitioner, for which he sustained grievous crush injuries to his right leg, resulting amputation of right leg, also sustained grievous injuries to head, chest, multiple injuries on other parts of the body, immediately, the petitioner shifted to Tirumala Hospital, Nizamabad and he underwent operations and that right leg was amputated.

5. Before the tribunal, respondents filed written statements and denied the claim petition.

6. In order to prove the case of the claimant before the tribunal, PWs.1 and 2 were examined and marked Exs.A1 to A.9 on behalf of the petitioner. Ex.B.1-copy of policy was marked on behalf of respondents. No oral evidence was adduced on behalf of the respondents.

7. On considering the oral and documentary evidence, the tribunal granted compensation of Rs.5,31,000/- with proportionate costs and interest at 9% per annum from the date of petition till the date of realisation

8. Learned standing counsel appearing for the insurance company contended that the doctor, who treated the claimant was not examined and hence, Exs.A.9 or A.6 have no consequence and that the tribunal erroneously accepted 60% disability and that there was no certificate issued by the medical board and that there was no authentic proof of avocation and income of the petitioner and hence, prayed to allow the appeal setting aside the order passed by the tribunal.

9. Per contra, learned counsel for the petitioner contended that the compensation granted by the tribunal is very meagre and hence, prayed to grant just and proper compensation.

10. It is the case of injuries. There is no dispute with regard to the manner of accident and involvement of the vehicle. As per the evidence available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered in all aspects and hence, needs no interference of this Court and accordingly, the appeal and the cross objection are liable to be dismissed.

11. In view of the above, M.A.C.M.A. filed by the insurance company and the Cross Objections filed by the petitioner are dismissed confirming

the order and decree, dated 17.09.2003 passed in O.P.No.1442 of 2002 by the Motor Accidents Claims Tribunal-cum-Additional District Judge, Nizamabad. There shall be no order as to costs.

Miscellaneous petitions, if any pending in these appeals shall stands closed.

T.AMARNATH GOUD,J

Date 21.11.2019
kvrn

